

**UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF NEW YORK**

SECURITIES INVESTOR PROTECTION  
CORPORATION,

Plaintiff-Applicant,

v.

BERNARD L. MADOFF INVESTMENT  
SECURITIES LLC,

Defendant.

Adv. Pro. No. 08-01789 (SMB)

SIPA LIQUIDATION

(Substantively Consolidated)

IRVING H. PICARD, Trustee for the Liquidation  
of Bernard L. Madoff Investment Securities LLC,

Plaintiff,

v.

CARDINAL MANAGEMENT, INC., and  
DAKOTA GLOBAL INVESTMENTS, LTD.,

Defendant.

Adv. Pro. No. 10-04287 (SMB)

**STIPULATION AND ORDER CONCERNING DEFENDANT'S TIME TO ANSWER  
OR OTHERWISE MOVE AGAINST THE AMENDED COMPLAINT**

Irving H. Picard, as trustee for the substantively consolidated SIPA liquidation of Bernard L. Madoff Investment Securities LLC and the chapter 7 estate of Bernard L. Madoff (the "Trustee") and Defendant Cardinal Management, Inc. (collectively, the "Parties"), by and through their respective undersigned counsel, state as follows:

WHEREAS, on November 24, 2010, the Trustee initiated the above-captioned adversary proceeding in the United States Bankruptcy Court for the Southern District of New York (the "Bankruptcy Court") by filing a complaint against Defendant Cardinal Management, Inc. ("Cardinal"), among others. *See Picard v. Cardinal Management Limited, et al.*, Adv. Pro. No. 10-04287 (SMB) (ECF No. 1);

WHEREAS, the Parties subsequently entered into a number of stipulations to extend the time by which Defendant must answer or otherwise move against the complaint;

WHEREAS, on August 28, 2014, the Trustee filed an Omnibus Motion Seeking Leave to Replead Pursuant to Fed. R. Civ. P. 15(a) and Court Order Authorizing Limited Discovery Pursuant to Fed. R. Civ. P. 26(d)(1) (the "Trustee's Omnibus Motion") (ECF Nos. 39, 40 and 41). The Trustee's Omnibus Motion sought, among other things, limited discovery relevant to good faith under either 11 U.S.C. § 548(c) or 11 U.S.C. § 550(b) (the "Limited Discovery Issue") from Cardinal, as well as leave to file amended complaints;

WHEREAS, on June 18, 2018, the Court denied the branch of the Trustee's Motion as to the Limited Discovery Issue (ECF No. 115);

WHEREAS, the Trustee filed his amended complaint against Cardinal on January 15, 2019 (ECF No. 118) (the "Amended Complaint");

WHEREAS, the Parties have agreed to a schedule for Cardinal to answer or otherwise move against the Amended Complaint.

NOW, for the reasons set forth, the Parties agree and stipulate and the Bankruptcy Court hereby orders:

1. Cardinal shall answer, move to dismiss, or otherwise respond to the Amended Complaint on or before March 1, 2019;

2. The Trustee shall file his opposition to Cardinal's motion to dismiss the Amended Complaint ("Motion to Dismiss"), if any, on or before April 15, 2019;

3. Cardinal shall file its reply in further support of the Motion to Dismiss, if any, on or before April 30, 2019.

4. The hearing on Cardinal's Motion to Dismiss shall be on a date to be set by the Bankruptcy Court after briefing is complete on the Motion to Dismiss.

5. Nothing contained herein can or shall be construed as an adjudication on the merits of any claims or defenses that the Parties may have against each other or any other party,

or as an admission or acknowledgment of any claim or defense as against the other by the Trustee or Cardinal, with all such claims and defenses preserved.

6. The above deadlines granted by this Stipulation are without prejudice to any future extensions of time.

7. The Stipulation may be signed by respective counsel for the Parties in any number of counterparts, each of which when so signed shall be an original, but all of which shall together constitute one and the same instrument. A signed facsimile, photostatic or electronic copy of this Stipulation shall be deemed an original.

Dated: January 29, 2019  
New York, New York

**BAKER & HOSTETLER LLP**

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*Attorneys for Defendant Cardinal Management Inc.*

**SO ORDERED**

**Dated: January 29<sup>th</sup>, 2019**

/s/ STUART M. BERNSTEIN  
HONORABLE STUART M. BERNSTEIN  
UNITED STATES BANKRUPTCY JUDGE